MULTIMEDIA UNIVERSITY

STUDENT ID. NO.

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2018/2019

EHM3106 – LAW FOR ENGINEERS

(ME/RE/TE)

13 OCTOBER 2018
9.00 a.m. – 11.00 a.m.
(2 Hours)

INSTRUCTIONS TO STUDENTS

1. This question paper consists of 3 pages with 4 questions only.
2. Attempt **ALL** questions. All questions carry equal marks and the distribution of the marks for each question is given.
3. Please write all your answers in the Answer Booklet provided.

Question 1

a) Malaysia is a democratic constitutional monarchy. The federal government of Malaysia adopts the principle of separation of powers as constituted under Article 127 of the Federal Constitution. Discuss the main components of the Malaysian government system as laid down in the Federal Constitution of Malaysia.

[10 marks]

b) Liability by definition is legal responsibility. A person is legally accountable for any wrong doing as imposed by law. In other words, legal liability describes a situation where a person is legally responsible for a breach of an obligation imposed by law. Using your own words, elucidate your understanding on legal liabilities.

[15 marks]

Question 2

a) As a future professional engineer, you will be involved in handling many engineering projects that require contract execution. Normally the contents of a contract are written in general context and the terms or 'clauses' used are in the form of express or implied.

i. Explain the terms express contract and implied contract.

[4 marks]

ii. In the case of an implied contract sometimes the parties affected would not agree to the interpretation of the implied contract, in particular, if it is not to their advantage. In this situation the parties concerned would seek a court decision. Appending with case law examples, relate your understanding on implied contract.

[6 marks]

b) JH Engineers Sdn. Bhd. is an engineering company which involved in erection and installation of high tension pylon structures in the country. Last year, JH Engineers entered into a contract with Maha Steel Sdn Bhd, a local steel supplier company, for a delivery of 50 sets of pylon structures.

20 sets of pylon structures had been delivered in May as the first batch of delivery and performance of the contract. In July that year, there was a change in the government. The new government has imposed a sanction on import of steel structures. As a result, Maha Steel was unable to fulfil the delivery of 30 more sets of pylon structures.

During the installation of 20 sets of pylon structures delivered earlier, JH Engineers discovered that 5 sets of pylon structures were out of specifications and had been rejected for installation. Advise JH Engineers the possible actions that can be taken to claim the defective structures and failure of delivery of 30 sets of pylon structures.

[15 marks]

Continued ...

Question 3

a) Being a graduate engineer, you will spend most of your time with computers in your work, either for communication, computer programming, designing, planning, analysis, etc. All your work will be stored in the computer. You also realise that computers are vulnerable to cyberattacks which may affect anything you stored in the computer. Discuss the main types of cybercrimes and other ancillary crimes that are stipulated in the Computer Crimes Act 1997, appending with case law examples.

[15 marks]

b) Ahmad was offered a position as an Assistant Engineer at Engineering Works Sdn. Bhd. and he accepted the offer. After two months of working, Ahmad was absent for two consecutive working days without prior leave approval from his employer. Ahmad was given a notice of termination from the employer. Advise Ahmad based on the relevant laws in the Employment Act 1955.

[10 marks]

Question 4

Two professional engineers with similar backgrounds and expertise in mechanical engineering are assigned to the same project but at different sections. Engineer A and Engineer B prepare the respective designs, drawings and other documents for submission and final review of the management. Once the management is satisfied, the drawings and documents are then stamped and signed by the respective engineers. The approved drawings and other documents are then released for construction. But this time, before the work is about to start there is a request from the management to make slight changes in the project design which requires modification on certain drawings. Both Engineer A and Engineer B proceed making the changes on their respective drawings.

Engineer B has completed all the changes required on his drawings. Whereas Engineer A requires more time to complete. By the time Engineer A completes the changes on his drawings, Engineer B is not around. After the management final review and in the absence of Engineer B, the management asks Engineer A to make minor changes to the drawings prepared by Engineer B without consulting him.

It is understood that Engineer A is technically competent and qualified to make any changes to Engineer B's drawings.

From your critical point of view and based on Code of Ethics as regulated by Board of Engineers Malaysia, elaborate whether it is ethical for Engineer A to make minor changes to the drawings prepared by Engineer B without consulting him.

[25 marks]

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